GOsC response to the Call for Evidence from the National Commission into the Regulation of AI in Healthcare

Copy of response submitted through consultation platform, 2 February 2026

Q4: How might the UK's framework for regulation of AI in healthcare be improved to ensure the NHS has fast access to safe and effective AI health technology? Word limit: 500 words

Health care is delivered to patients in a range of settings, both independent and NHS, as acknowledged by DHSC (see https://www.gov.uk/government/news/faster-care-for-thousands-thanks-to-nhs-use-of-independent-sector). Therefore, any regulatory framework for AI in healthcare, should not just focus on the use of AI systems within the 'NHS', but also enabling patients of those in private or independent practice to have confidence in the safety and security of the AI systems they are using to ensure that all patients are able to access the same safeguards for care.

Any new regulatory framework should provide assurance that AI systems used by health professionals including osteopaths, meet ethical, legal and transparency requirements and are safe for use with their patients, whatever the practice setting. It would also be helpful for any new regulatory framework to also consider AI not captured by existing classifications applied to medical devices as this will provide additional assurance to patients and their health and care professionals. Alongside this, professional regulators can play an important role in guiding professionals towards the safe use of AI and helping their registrants understand how they can use it in the best interests of their service users. We have already taken steps to do this through issuing interim guidance in this area. (See https://www.osteopathy.org.uk/standards/guidance-for-osteopaths/artificial-intelligence/)

Q5: How should the regulatory framework manage post-market surveillance for AI health technologies?

As the regulator for the osteopathic profession, we are not responsible for the regulation of AI systems, but rather the current or potential users of this technology as health professionals. Any system of post-market surveillance must recognise the vital role that all health and care professionals play in reporting issues and concerns about any kind of technology, including those involving AI and should provide spaces for reporting and learning. Health and care professionals must also be equipped with the relevant knowledge and skills to be able to identify issues that need to be reported. If using AI systems, professionals need to be clear how to raise concerns around outputs with the provider or developer of the AI system. Developers and providers need to have these channels in place where they can receive these concerns and act on them in a prompt and transparent way. Patients can also play an important role by ensuring that there is a clear way in which they can raise concerns about the use of AI in their care.

The Osteopathic Practice Standards (https://standards.osteopathy.org.uk/) require that osteopaths keep their professional knowledge and skills up to date (Standard B3). Therefore, we would expect that osteopaths using AI are undertaking Continuing Professional Development in this area.

However, it is important that these expectations are realistic. There are concerns around opacity of AI systems, where they are considered to be a "black box" where the system and its workings are a mystery to users. This can make it impossible for healthcare professionals to understand how the AI system has come to a recommendation or output. This lack of transparency makes it difficult for healthcare

professionals to identify issues and report concerns. Therefore, any regulatory framework for AI needs to have transparency for AI systems as one of its central features.

Q6: Which statement best reflects your view on the current legal framework for establishing liability in healthcare AI tools?

Insufficient: existing laws are unfit for AI

Q7: How could manufacturers of AI health technologies, healthcare provider organisations, healthcare professionals, and other parties best share responsibility for ensuring AI is used safely and responsibly?

AI is a complex, relatively new and fast evolving technology used by some healthcare professionals as part of their practice. The use of AI carries with it many benefits and also risks, and we believe that any way in which regulators can provide more certainty and clarity around professional regulatory requirements is helpful. This should help aid the uptake of AI systems and increase confidence amongst practitioners that they are operating within professional standards.

This is why the General Osteopathic Council (GOsC) took the step to introduce interim guidance for the use of AI in osteopathic practice in May 2025. This guidance better supports osteopaths by helping them to understand their responsibilities with respect to how to comply with the Osteopathic Practice Standards if using AI.

https://www.osteopathy.org.uk/standards/guidance-for-osteopaths/artificial-intelligence/

Although we have developed our own guidance around AI use, the issues that health and care professional regulators are grappling with are very similar. Therefore, the GOsC sees the benefit of collaborating with other regulators to develop shared approaches to the use of AI by health and care professionals. This will provide clarity to patients and a common expectation of what they can expect from different health and care professionals regardless of who they are visiting. A common approach could also aid AI developers designing systems and tools which may be used by multiple health and care professionals.

Education is an area where AI use has significantly increased and provides benefits and challenges to the delivery of health and care professional education. As stated above there are common issues for each of the health and care professional regulators and we have been successful in developing a joined up approach with other regulators with respect to the development of a statement containing principles for the use of AI in health and care education which we expect to publish shortly.

As part of these principles there is an acknowledgement that education around the use of AI is of key importance including the ethical, legal and competence considerations, all providing them with the critical skills they need for its use in future practice. It is important that the role of developers of AI systems in the future education of health and care practitioners is carefully considered to ensure that learners are aware of the developments occurring in this area and how this may impact on their future practice.

We have also been engaging with the Professional Standards Authority (PSA) to bring regulators together through their Regulatory Data and AI group and support this work. Setting the standards of conduct, ethics and competence is our area of expertise, and we would welcome opportunities to engage with

developers of AI systems to inform them of our standards, so that they are able to develop systems, that can be used in line with our professional standards and operate in the best interests of patients.

Q8: In the event of an adverse patient outcome where an adverse patient outcome involved an AI tool, where do you think liability should lie?

As a regulator, we are responsible for setting the standards of conduct, ethics and competence and it is the responsibility of those we regulate to operate within those standards. Osteopaths are therefore professionally accountable and personally responsible for their practice and for what they do or do not do, no matter what direction or guidance they are given by an employer or colleague. They must always be able to justify their decisions and actions using their professional judgement as autonomous health professionals. The interim guidance that we have issued on the use of AI in osteopathic practice (https://www.osteopathy.org.uk/standards/guidance-for-osteopaths/artificial-intelligence/) is helpful in that respect as well as the links we have made back to our standards.

Clarity around responsibilities when things go wrong is important to ensure confidence amongst healthcare professionals to use AI systems and realise their benefits. Determination of liability is complex and would depend on specific laws, regulations, facts of the incident and the specific circumstances of the case. AI is a new and novel area, and a coordinated approach is needed to consider the challenges and put in place any supporting legal frameworks.

We're mindful that liability and negligence is a different concept to misconduct in fitness to practise cases and therefore liability is not a matter for a professional regulator. However, in order to provide a response that is helpful we are of the view that at present the healthcare professional would more likely bear the burden of liability for AI use in the absence of an appropriate legislative framework. This should be urgently addressed through the parliamentary legislative process as it would be undesirable to put what are shortcomings in the current law into the hands of judges to clarify or make changes to existing laws.

Q9: Do you have any other evidence to contribute? You can submit written evidence in the comment box. Note: please confirm that you have the necessary permissions prior to sharing any documents in this way.

About the General Osteopathic Council:

Osteopathy is a statutorily regulated health profession in the four UK countries (like physiotherapists at the HCPC and doctors at the GMC). The key objective of all statutory regulators is protection of the public. Osteopathy is an allied health profession in England.

The General Osteopathic Council has statutory functions to set standards of education and training, set standards of competence and conduct, hold the Register and ensure that osteopaths on the Register meet our standards and fitness to practise powers to remove or restrict practice where necessary.

It is illegal to practise as an osteopath in the four UK countries unless on the GOsC Register.

The General Osteopathic Council is a high performing regulator and leading thinker in regulation as evidenced by the Professional Standards Authority published annual reviews and external publications in the wider health field around relational regulation, shared decision making and values-based practice.

We are committed to supporting high quality osteopathic practice, public protection and patient safety and working with the Department of Health and Social Care, other regulators and the osteopathic sector

to help ensure that osteopaths can play their part in providing high quality care for patients and the public.

Question 10: You can upload documents to be considered as part of this call for evidence. Note: please confirm that you have the necessary permissions prior to sharing any documents in this way.

No documents uploaded.